

1 JENNIFER K. HOSTETLER
2 Nevada Bar No. 11994
3 jhostetler@lewisroca.com
4 JOHN MCCORMICK-HUHN
5 Nevada Bar No. 15961
6 jmccormick-huhn@lewisroca.com
7 LEWIS ROCA ROTHGERBER LLP
8 3993 Howard Hughes Parkway
9 Suite 600
10 Las Vegas, Nevada 89169
11 (702) 949.8200
12 (702) 949.8378 facsimile

13 Attorneys for Defendant

14 *HMB LLC d/b/a and a/k/a Servehzah Bottle Shop and
15 Tap Room*

16
17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA

19 VICTOR AGUIRRE-VILLANUEVA,
20 individually and on behalf of all others
21 similarly situated,

22 Plaintiff

23 v.

24 HMB LLC d/b/a and a/k/a SERVEHZAH
25 BOTTLE SHOP AND TAP ROOM;
EMPLOYEE(S)/AGENT(S) DOES 1-10; and
ROE CORPORATIONS 11-20, inclusive,

26 Defendant

27 CASE NUMBER: 2:23-cv-01001-CDS-VCF

28 **STIPULATION AND ORDER TO
CONTINUE STAY PENDING
MEDIATION**

29 [ECF No. 10]

30 Plaintiff Victor Aguirre-Villanueva (“Plaintiff”) and Defendant HMB LLC d/b/a and a/k/a
31 Servehzah Bottle Shop and Tap Room (“Defendant”) (collectively, the “Parties”) by and through
32 their respective counsel, hereby stipulate and respectfully request that the Court extend the stay
33 pending completion of the parties’ mediation on December 14, 2023.

34 In support of this request, the Parties provide the following information for the Court’s
35 consideration:

1 1. On May 30, 2023, Plaintiff filed his Collective and Class Action Complaint with the
2 Eighth Judicial District Court in and for Clark County, Nevada. *See* ECF No. 1-1. Thereafter, on
3 June 29, 2023, Defendant removed the action to this Court. *See* ECF No. 1. Defendant filed its
4 Answer (ECF No. 5) on June 30, 2023.

5 2. Upon the Parties' stipulation, on August 14, 2023, the Court entered an Order to
6 Stay Discovery Pending Mediation, which stayed these proceedings for approximately 90 days
7 (until November 13, 2023) in order for the parties to select an available mediator and complete an
8 agreed-upon mediation. *See* ECF No. 8.

9 3. While the parties have selected a mediator, the Parties have not yet completed
10 mediation. Mediation is scheduled for December 14, 2023 before the Honorable Elizabeth
11 Gonzalez, Retired with Advanced Resolution Management.

12 4. The Parties are currently devoting their attention to the mediation and are hopeful
13 they will reach a resolution that will avoid protracted litigation. In order to conserve the Parties'
14 and the Court's resources, to promote judicial economy, and to increase the likelihood of a
15 successful mediation, the Parties have agreed, subject to the Court's approval, to extend the current
16 stay until December 14, 2023, in order for the parties to complete the mediation.

17 5. In the event that the parties are unable to reach a resolution at the mediation, the
18 parties agree to file a joint status report informing the Court of the same. The parties further agree
19 to file a proposed discovery plan and scheduling order within two weeks of filing the joint status
20 report.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 6. This stipulation is made in good faith and not for the purposes of delay.

2 DATED this 13th day of November, 2023.

3 GABROY | MESSER

LEWIS ROCA ROTHGERBER CHRISTIE LLP

4 By: /s/ Kaine Messer

5 Christian Gabroy, Bar No. 8805
6 Kaine Messer, Bar No. 14240
7 christian@gabroy.com
8 kmesser@gabroy.com
9 The District at Green Valley Ranch
10 170 South Green Valley Parkway
11 Suite 280
12 Henderson, NV 89012
13 Tel.: 702.259.7777
14 Fax: 702.259.7704

5 By: /s/ Jennifer K. Hostetler

6 Jennifer K. Hostetler, Bar No. 11994
7 jhostetler@lewisroca.com
8 John McCormick-Huhn, Bar No. 15961
9 jmccormick-huhn@lewisroca.com
10 3993 Howard Hughes Parkway, Suite 600
11 Las Vegas, NV 89169
12 Tel.: 702.949.8200
13 Fax: 702.949.8398

14 Attorneys for Defendant

15 Attorney for Plaintiff

16 ORDER

17 Based on the parties' stipulation, IT IS HEREBY ORDERED that the stay is continued an
18 additional 30 days to allow the parties an opportunity to mediate on December 14, 2023.

19 IT IS FURTHER ORDERED that the parties must file a joint status report addressing the
20 status of mediation on or before December 22, 2023.

21 IT IS FURTHER ORDERED that, if the parties are unable to reach a resolution at the
22 mediation, they must file a proposed discovery plan and scheduling order within two weeks of
23 filing the joint status report.

24 
25 _____
26 UNITED STATES DISTRICT JUDGE

27 DATED: November 14, 2023